

450-4  
4 mths

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

MAR 31 2004

Case No. 5420  
Date Filed 3-29-04  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$450-

Shaded Areas for Office Use Only

**Type of Application**

**Nature of Request and Section(s) of Code** \_\_\_\_\_

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

CASE 5420 MAP 62 TYPE Variance

ELECTION DISTRICT 1 LOCATION 3714 Mainship Way, Abingdon, Md. 21009

BY Nicholas and Elizabeth Liberatore

Appealed because a variance pursuant to Section 267-26C(3) of the Harford County Code to construct an inground pool within the required 10 foot from the property line (5 foot proposed) in a R3 District requires approval by the Board.

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

**Applicant/Owner (please print or type)**

Name NICHOLAS LIBERATORE Phone Number 410-679-9932  
Address 3714 MAINSHIP WAY ABINGDON, MD 21009  
Street Number Street City State Zip Code

Co-Applicant ELIZABETH LIBERATORE Phone Number 410-679-9932  
Address 3714 MAINSHIP WAY ABINGDON MD 21009  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

**Land Description**

Address and Location of Property 3714 MAINSHIP WAY  
ABINGDON, MD 21009

Subdivision WATERVIEW AT LONG BAR HARBOR

Lot Number 10

Acreage/Lot Size \_\_\_\_\_ Election District 01

Zoning R3

Tax Map No. 62 Grid No. 0003D Parcel 834 Water/Sewer: Private \_\_\_\_\_ Public ☒

List ALL structures on property and current use: HOUSE w/ DECK & SHED, FENCE  
Principal Residence

Estimated time required to present case: 30 min

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No ☒

If so, what is the Critical Area Land Use designations: No

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No ☒

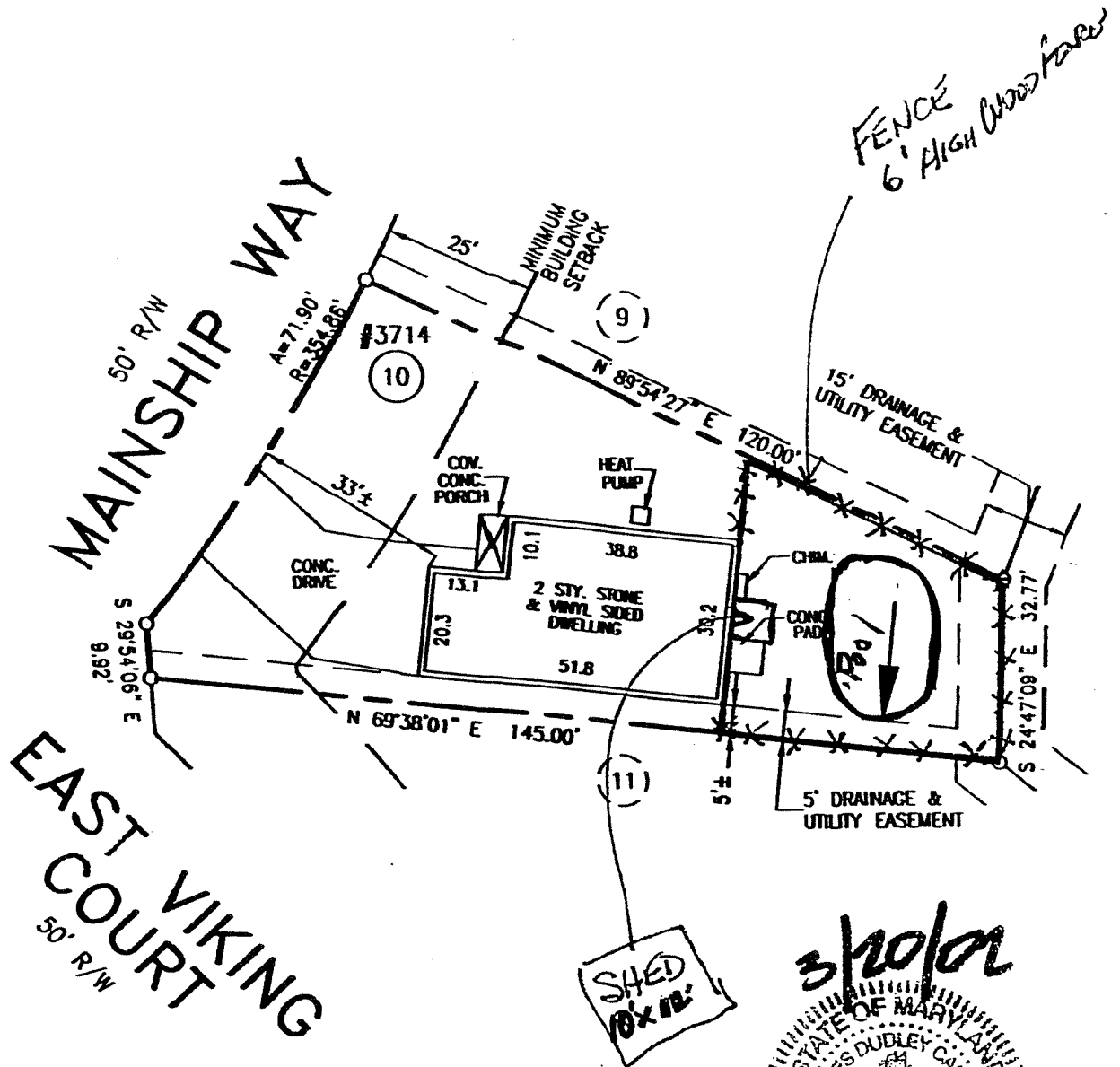
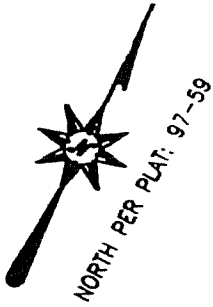
**Request**

VARIANCE FOR ABOVE GROUND POOL  
24' X 15'

**Justification**

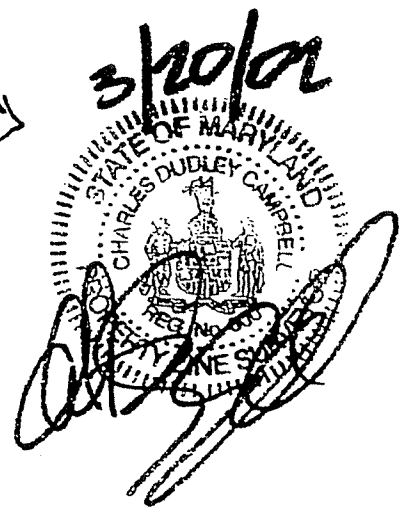
UNIQUE PROPERTY DIMENSIONS & GRADING  
HOUSE SET BACK

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



—▶ : DENOTES SIDE DESIGNATED FOR ZERO SIDE YARD

THIS LOCATION DRAWING HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND BOARD OF PROFESSIONAL LAND SURVEYORS MINIMUM STANDARDS OF PRACTICE. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY. INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING; IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; IT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING; THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THERE ARE NO ENCROACHMENTS ON ANY ADJOINING PREMISES, STREETS, OR ALLEYS AND NO ENCROACHMENTS OF ANY BUILDINGS, STRUCTURES, OR ANY OTHER IMPROVEMENTS SITUATED ON



50' R/W

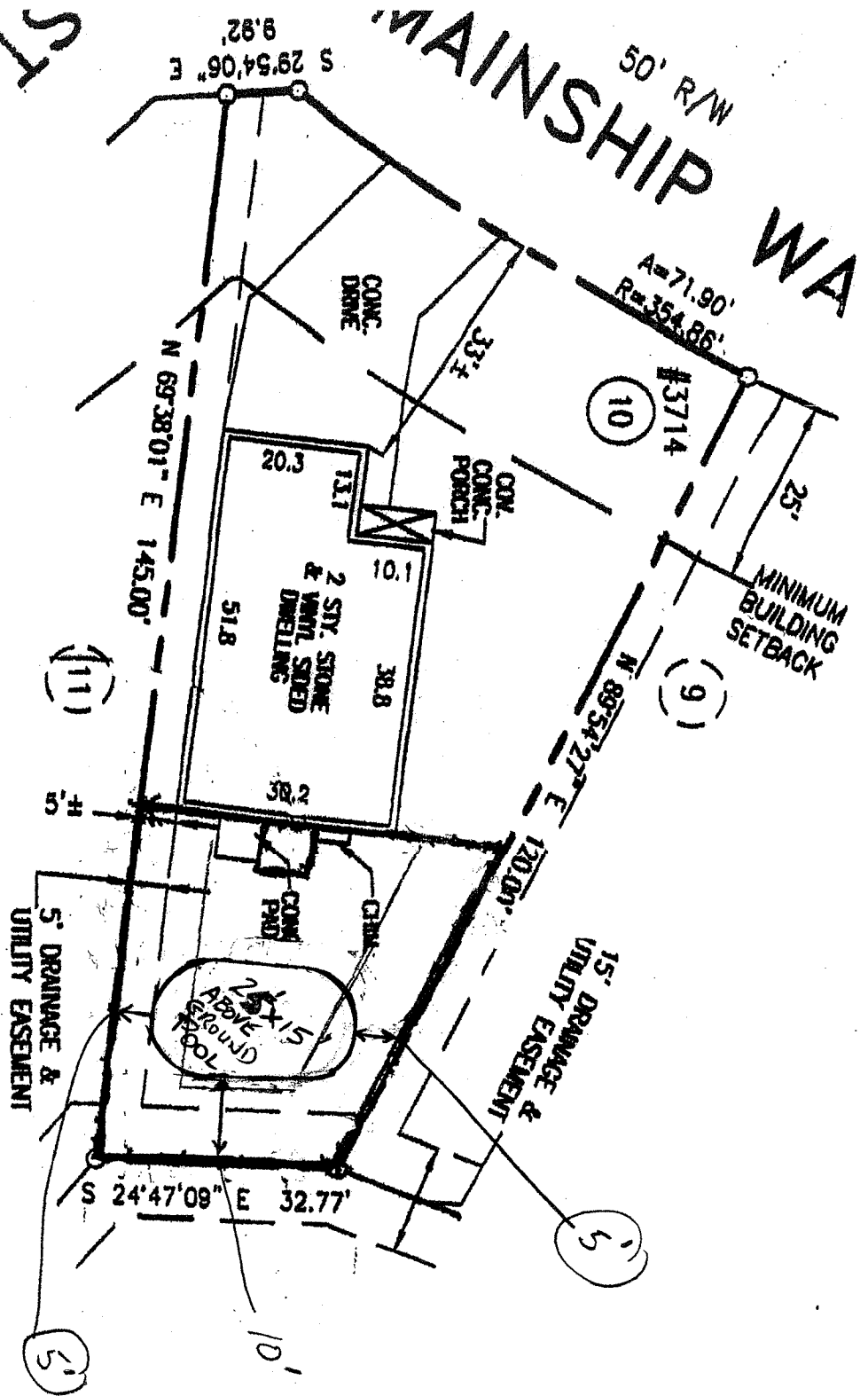
MAINSHIP

W

A=71.90'

R=35'

CON



20/02/2023

ABOVE GROUND  
POOL  
25' x 15' x 48" D  
L W

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



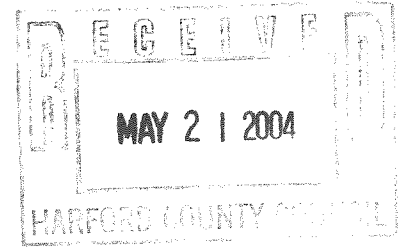
**J. STEVEN KALL-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

May 21, 2004

#### **STAFF REPORT**



#### **BOARD OF APPEALS CASE NO. 5420**

APPLICANT/OWNER: Nicholas Liberatore  
3714 Mainship Way, Abingdon, Maryland 21009

Co-APPLICANT: Elizabeth Liberatore  
3714 Mainship Way, Abingdon, Maryland 21009

REPRESENTATIVE: Applicants

LOCATION: 3714 Mainship Way/Waterview at Long Bar Harbor  
Tax Map: 62 / Grid: 3D / Parcel: 834 / Lot: 10  
Election District: First (1)

ACREAGE: 7,591.69± square feet  
0.174± acres

ZONING: R3/Urban Residential District

DATE FILED: March 29, 2004

HEARING DATE: June 2, 2004

#### **APPLICANTS' REQUEST and JUSTIFICATION:**

##### Request:

"Variance for above ground pool 24'x15'."

*Preserving our values. protecting our future.*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

Justification:

“Unique property dimensions & grading. House setback.”

**CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-26D(3) of the Harford County Code to construct an above-ground pool within the required 10-foot from the property line (5-foot proposed) in an R3/Urban Residential District.

Section 267-26D(3) of the Harford County Code reads:

- (3) *Recreation facilities, such as swimming pools and tennis courts, if the facilities are used by the occupants or guest of the principal use and no admission or membership fees are charged, provided that the edge of the facility, not including security fences, shall be located not less than ten (10) feet from any side or rear lot line. For community pools and tennis courts, the edge of the facility shall be located not less than fifty (50) feet from any residential unit or side and rear lot line.*

**LAND USE and ZONING ANALYSIS:**

Land Use – Master Plan:

The subject property is located in the southern end of the County, south of US Route 40 and east of Abingdon Road. The lot is situated on the northeast corner of the intersection of Mainship Way and East Viking Court. A location map and a copy of the Applicants' site plan are enclosed (Attachments 1 and 2).

The subject property is located within the Development Envelope. Residential land use designations range from Low to High Intensities. The Natural Features Map reflects Chesapeake Bay Critical Area, parks, tidal wetlands and stream buffer systems. The subject property is designated as Medium Intensity, which is defined by the 1996 Master Plan as:

**Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 3 and 4).

## STAFF REPORT

Board of Appeals Case Number 5420

Nicholas & Elizabeth Liberatore

Page 3 of 4

### Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. Residential uses include single-family residences, townhouses, condominiums and apartments. Commercial uses include retail uses, service uses, automotive related uses and restaurants. Enclosed with the report is a copy of the aerial photograph (Attachment 5).

The subject lot is located at the northeast corner of the intersection of Mainship Way and East Viking Court. The lot is approximately 7,591± square feet in size and is unusually shaped. The lot is triangular in shape because of the design of the roads and the topography of the area. The topography of the lot is level in the front and slopes down from the front of the house towards the rear property line. The existing improvements include a two-story stone and frame single-family dwelling with an attached two-car garage, a deck attached to the rear of the dwelling, a stone and concrete patio and retaining wall, a shed under the deck on the patio and a 6-foot privacy fence around the rear yard. The rear yard has been re-graded to create a level area for the above-ground pool. A portion of the 6-foot privacy fence has been removed to permit the grading and the construction of the pool, and would be replaced once the construction is complete. Enclosed with the report is an enlargement of the aerial photograph for the area and site photographs (Attachments 6 and 7).

### Zoning:

The overall zoning classifications for the area conform to the intent of the 1996 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts. Commercial zoning includes B1/Neighborhood Business, B2/Community Business B3/General Business Districts and CI/Commercial Industrial. The subject property is zoned R3/Urban Residential as shown on the enclosed copy of the Zoning Map (Attachment 8).

### **SUMMARY:**

The Applicants are requesting a variance pursuant to Section 267-26D(3) of the Harford County Code to construct an above-ground pool within the required 10-foot from the property line (5-feet proposed) in an R3/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The lot is triangular in shape and slopes from the front to the rear. In addition to natural constraints, the builder set the house 33-feet from the front property line instead of at the 25-foot minimum building setback line. The

STAFF REPORT

Board of Appeals Case Number 5420

Nicholas & Elizabeth Liberatore

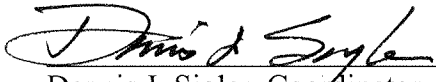
Page 4 of 4

location of the house further limits the area available for accessory uses. The request should not adversely impact the adjacent properties.

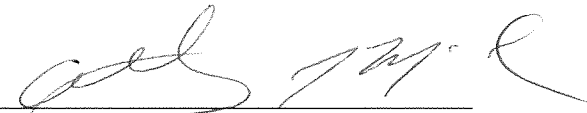
**RECOMMENDATION and/or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the pool.
2. The Applicants shall maintain the 6-foot wood fence around the rear yard until such time as the pool is removed.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/ka

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning